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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 4:25-cv-04966-HSG

**STIPULATION AND ORDER FOR
BRIEFING SCHEDULE FOR
UNITED STATES' MOTION TO
DISMISS**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, the parties submit this Stipulated
2 Request for a schedule for briefing the forthcoming motion to dismiss the amended complaint
3 and respectfully request that the Court enter an order accordingly.

4 1. Defendants the United States of America, et al. previously moved to dismiss the
5 original complaint. Dkt. No. 118.

6 2. In response, Plaintiffs the State of California, et al. (hereinafter "Plaintiff States")
7 notified Defendants on September 24, 2025 that they intended to amend their complaint pursuant
8 to Federal Rule of Civil Procedure 15(a)(1). Plaintiffs also notified the Court and all parties of
9 this intent in their response to Defendants' motion to dismiss, filed October 3, 2025. Dkt. No.
10 151.

11 3. On October 10, 2025, Plaintiff States filed their amended complaint. Dkt. No.
12 157.

13 4. The United States intends to move to dismiss the amended complaint. Under
14 Federal Rule of Civil Procedure 15(a)(3), the motion to dismiss is due October 24, 2025.

15 5. Due to the lapse in appropriations, undersigned counsel for the Department of
16 Justice has proposed to Plaintiff States a stay of all proceedings in this case, including the
17 deadline for the response to the amended complaint, until Congress has restored appropriations
18 to the Department.

19 6. Separately, setting aside the lapse in appropriations, counsel for all parties have
20 other significant, pre-existing professional and personal obligations in the coming weeks and
21 months that would make briefing and arguing Defendants' motion to dismiss using the default
22 deadlines set forth in the Local Rules extremely challenging.

23 7. Plaintiff States do not agree to a stay of all proceedings through the duration of
24 the lapse in appropriations, but the parties have separately negotiated and now stipulate to the
25 following schedule for briefing and hearing on the United States' motion to dismiss the amended
26 complaint:

27 November 17, 2025: United States' Motion to Dismiss

28 November 24, 2025: Amici Briefs in Support of Motion to Dismiss

STIPULATION AND ORDER
CASE No. 4:25-CV-04966

December 23 2025: Plaintiff States' Opposition

January 9, 2026: Amici Briefs in Support of Opposition

January 19, 2026: United States' Reply in Support of Motion to Dismiss

January 29, 2026: Motion Hearing

8. The United States and Plaintiff States consent to the filing of amicus briefs on the schedule described above.

9. Because the United States takes the position that it remains required to seek a stay under the Anti-Deficiency Act, the United States still intends to seek a full stay (in a separate filing) through the duration of the lapse in appropriations. Plaintiffs will oppose that separate filing. Nonetheless, all parties are amenable to the schedule set forth in Paragraph 7 in the event the Court denies Defendants' forthcoming motion for a stay, and thus jointly request that the Court now adopt this stipulation.

1 Dated: October 22, 2025

Respectfully submitted,

2 /s/ Martha C. Mann

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12 *In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests that each*
13 *signatory has concurred in the filing of this document.*

14
15 **ORDER**

16 PURSUANT TO STIPULATION, it is so ordered. Absent further order of the Court, the
17 schedule for briefing the United States' motion shall be that set forth in Paragraph 7.

18
19 Dated: 10/23/2025

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21 
22 THE HONORABLE HAYWOOD S. GILLIAM, JR.
23 United States District Judge
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